

May 25, 2010

**MINUTES OF THE CITY COUNCIL WORK SESSION HELD MAY 25, 2010**

A Work Session of the City Council of the City of Hopewell, Virginia, was held Tuesday, May 25, 2010 at 6:30 p.m. in the City Council Chambers, Municipal Building, 300 North Main Street, Hopewell, Virginia.

PRESENT: Brenda S. Pelham, Mayor  
N. Gregory Cuffey, Vice Mayor  
Christina J. Luman-Bailey, Councilor  
Curtis W. Harris, Councilor  
Kenneth B. Emerson, Councilor  
K. Wayne Walton, Councilor

Debra W. Pershing, Acting City Clerk  
Edwin C. Daley, City Manager  
Thomas E. Lacheney, City Attorney

ABSENT: Gerald S. Stokes, Councilor  
Ann Romano, City Clerk

Mayor Pelham opened the work session at 6:30 p.m. Roll call was taken as follows:

Mayor Pelham	-	yes
Vice Mayor Cuffey	-	yes
Councilor Bailey	-	yes
Councilor Harris	-	yes
Councilor Emerson	-	yes
Councilor Stokes	-	AB
Councilor Walton	-	yes

Welcome by the Mayor. Prayer was offered by Rev. Dunbar, followed by the Pledge of Allegiance to the Flag of the United States of America.

**SPECIAL MEETING – PUBLIC HEARINGS**

Mayor Pelham turned the meeting over to the Planning Commission.

**PUBLIC HEARING – JOINT PUBLIC HEARING WITH THE PLANNING COMMISSION - PROPOSED ZONING ORDINANCE AMENDMENT, ARTICLE XVIII-F, SIGNAGE**

Fred Morene, Planning Commission Chair, opened the Planning Commission meeting for the purpose of the public hearing. Roll call was taken as follows:

Mr. Elliott Eliades	-	yes
Mrs. Joyce Pritchard	-	yes
Mr. Hank Wilde	-	yes
Rev. Rudolph Dunbar	-	yes
Mr. Fred Morene	-	yes

Mr. Morene opened the public hearing at 6:34 p.m. March Altman provided a background on the amendment and entertained any questions of Council. The City Clerk read the verbiage for proposed changes to Article XVIII-F. Signage, Section 13 q-r:

- q. Any signage that contains harassing, lewd, offensive, obscene, threatening, or violent language or images, as determined by the Zoning Administrator, shall be prohibited.

May 25, 2010

- r. Signage for sexually oriented businesses shall contain no photographs, silhouettes, drawings, graphic images or pictorial representations of any manner, and may contain only:
- (1) the name of the enterprise; and/or
  - (2) one or more of the following phrases:
    - i. “Adult bookstore;”
    - ii. “Adult entertainment;”
    - iii. “Adult movie theatre;”
    - iv. “Adult novelties;”
    - v. “Gentlemen’s club.”

There being no speakers, the public hearing was closed at 6:38 p.m. A **motion** to recommend the proposed changes was made by Rev. Dunbar and seconded by Mr. Wilde. Roll call was taken as follows:

Mr. Elliott Eliades	-	yes
Mrs. Joyce Pritchard	-	yes
Mr. Hank Wilde	-	yes
Rev. Rudolph Dunbar	-	yes
Mr. Fred Morene	-	yes

The Planning Commission meeting was adjourned at 6:40 p.m.

A **motion** to adopt the proposed Zoning Ordinance amendment on first and only reading was made by Councilor Walton and seconded by Rev. Harris. Roll call was taken as follows:

Mrs. Bailey	-	yes
Mr. Harris	-	yes
Mr. Emerson	-	yes
Mr. Walton	-	yes
Ms. Pelham	-	yes
Mr. Cuffey	-	yes

#### **ORDINANCE NO. 2010-15**

#### **An Ordinance amending Article XVIII-F, Signage, of the Zoning Ordinance of the City of Hopewell**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HOPEWELL that Article XVIII-F of the Zoning Ordinance of the City of Hopewell is amended and re-enacted as follows:

#### **BY ADDING:**

#### **Article XVIII DEVELOPMENT STANDARDS**

#### **F. SIGNAGE**

##### **1. Purpose and Intent.**

- a. Protection of property values, the unique character of various areas in the city, public safety and welfare, and encouraging the appropriate use of property, all require strict regulation of the use and display of signs in the city. The regulations set forth in this section shall govern all signs, are in addition to any requirements for signs contained in any other Article or Section of this ordinance, and shall take precedence in the event of a conflict with any other provision in this ordinance, except in the case of a conflict with the requirements of Article IX, Section J of this ordinance, which shall take precedence and control.

May 25, 2010

- b. Signs placed on land or on a building for the purpose of identification, protection or advertising a use conducted therein shall be deemed to be an integral part of the land or building. The regulations and limitations on signs established herein are intended to ensure that they are appropriate to the land, building or use to which they are appurtenant and are adequate, but not excessive, for their intended purpose. Business sign regulations have been devised after considering among other matters, shopping habits, extent of trade areas, means of access and the avoidance of competition among sign displays in their demand for public attention.

2. Permit Requirements.

- a. A sign permit shall be required before a sign is erected, altered or relocated, except as otherwise provided herein.
- b. Each application for a sign permit shall be accompanied by plans showing the area of the sign; the size, character and design proposed; the method of illumination, if any; the exact location proposed for such sign; the method of fastening such sign; and the name and address of the sign owner and of the sign erector.
- c. Fees for sign permits shall be in accordance with the schedule of fees for building permits and adopted by City Council.
- d. A sign permit shall become null and void if the work for which the permit was issued has not been completed within a period of six (6) months after the date of issuance of the permit.
- e. A permit shall not be required for the following signs and activities; provided, however, that such signs shall be subject to any and all applicable provisions of this ordinance.
  - (1) Any sign four (4) square feet or less in area.
  - (2) Repainting without changing wording, composition or color, or minor, nonstructural repairs.
  - (3) The changing of the advertising copy or message on an approved painted or printed sign or billboard or on a theater marquee and similar approved signs which are specifically designed for the use of replaceable copy.
  - (4) Signs permitted in all districts under subsection 11 of this Section F.

3. Signs Permitted.

Only signs as listed, described or otherwise provided for herein shall be permitted. All signs shall be subject to such regulations as are specifically set forth in each case and to all other regulations in this ordinance.

4. Signs Permitted in the R-1, R1-A, R-2, R-3, R-4, PUD and PMH Districts.

The following signs are permitted in the R-1, R1-A, R-2, R-3, R-4, PUD and PMH districts when the uses for which they are intended are allowed in the district.

- a. One (1) sign not exceeding two (2) square feet in area and three (3) feet in height for each dwelling unit from which a home occupation is conducted. Such sign shall indicate only the name of the occupant and/or its location.
- b. Signs for permitted commercial uses in the R-3, PUD and PMH districts shall be governed by the regulations for the RO-1 and R-04 Districts set forth hereafter in subsection 5 of this Section F.
- c. No building-mounted sign shall project above the roof line.
- d. Residential subdivisions, multifamily developments and planned manufactured home parks shall be allowed two freestanding signs at entrances, each limited to eighteen (18) square feet in size, with a total square area of thirty six (36) square feet, and seven feet in height; or one (1) sign no more than thirty-six (36) square feet in size and seven (7) feet in height.

5. Signs Permitted in the RO-1 and RO-4 Districts.

May 25, 2010

The following signs shall be permitted in all RO-1 and RO-4 districts. All signs shall be identifying signs.

- a. Signs for residential uses shall be regulated by subsection 4 of this Section F.
  - b. Freestanding signs, limited to one (1) per parcel, and limited to a maximum sign area of twenty (20) square feet. Such signs shall not exceed a height of more than eight (8) feet. No such sign shall be located closer than five (5) feet to the property line.
  - c. Wall signs, limited to one (1) for each building on the premises, with sign area limited to a maximum of ten (10) square feet.
  - d. Wall mounted directory signs, restricted to two (2) signs for any building. Such signs shall not exceed two (2) square feet per person or office listed on the sign.
  - e. No wall mounted sign shall project above the roof line.
6. Signs in the Tourist/Historic District (TH-1) and the Downtown Central Business District (B-1).

Before any sign shall be erected in the Tourist/Historic District, a certificate of appropriateness shall be obtained from the Board of Architectural Review, subject to the provisions of Article XIV of this ordinance. Before any sign shall be erected in the Downtown Central Business District, a certificate of appropriateness shall be obtained from the Downtown Design Review Committee established under Article IX of this ordinance. All signs erected in the Downtown Central Business District shall comply with the provisions of Article IX, Section J of this ordinance.

7. Signs permitted in the B-2 districts.

The following signs are permitted in the B-2 districts.

- a. Signs for residential uses shall be regulated by subsection 4 of this Section F.
- b. For permitted commercial uses, total sign area for building mounted signs on buildings housing only one (1) tenant shall not exceed in the aggregate one and one-half (1 ½) square feet of sign area for each lineal foot of building frontage. No such sign shall be required to be less than twenty (20) square feet, nor shall it exceed one hundred (100) square feet.
- c. On lots containing buildings housing more than one (1) tenant, sign area for building mounted signs for each tenant shall not exceed one and one-half (1 ½) square feet for each linear foot of building frontage occupied by that tenant, with a maximum sign area for that respective tenant of one (100) square feet.
- d. The following types of building mounted signs shall be permitted.
  - (1) Projecting signs, provided that such signs shall not exceed ten (10) square feet in area, and shall not project more than five (5) feet from the building front, nor closer than two (2) feet from any curb line.
  - (2) Roof signs.
  - (3) Signs attached to the vertical face of a marquee, provided that such signs shall not project below the lower edge of the marquee, nor shall extend above the vertical marquee face.
  - (4) Wall signs.
  - (5) Signs on awnings, provided that such signs shall be limited to the drop leaf and letters shall not exceed eight (8) inches in height.
- e. In addition to building mounted signs, freestanding signs shall be permitted. The area permitted for freestanding signs shall be in addition to that permitted for building mounted signs.
  - (1) Freestanding signs shall not exceed fifty (50) square feet in area, and shall not extend higher than fifteen (15) feet. No more than one (1) freestanding sign shall be permitted per parcel.
  - (2) No more than one (1) freestanding sign shall be permitted for a shopping center, limited in area of fifty (50) square feet, and shall not extend higher than fifteen (15) feet. Such

May 25, 2010

sign shall indicate only the name of the shopping center and/or business use or a combination of business uses within the center.

- f. All signs shall have a minimum clearance of ten (10) feet above a walkway, and fifteen (15) feet above a driveway.
  - g. Temporary grand opening signs shall be permitted, provided that such sign or signs shall not be displayed more than ten (10) days. A permit shall be required, but no fee paid.
  - h. Temporary, portable or porta signs advertising special sales shall be permitted, provided that such sign or signs shall not be displayed more than ten (10) days. Use of these type signs shall be limited to one time per calendar year. A permit shall be required but no fee paid.
8. Signs Permitted in the B-3 and B-4, Districts.

The following signs are permitted in the B-3 and B-4 districts, unless otherwise noted.

- a. Signs for residential uses shall be regulated by subsection 4 of this Section F.
- b. For permitted commercial or industrial uses, total sign area for building mounted signs on buildings housing only one (1) tenant, shall not exceed in the aggregate two (2) square feet of sign area for each lineal foot of building frontage. No such sign area shall be required to be less than forty (40) square feet, nor shall it exceed two hundred (200) square feet.
- c. On lots containing buildings housing more than one (1) tenant, sign area for building-mounted signs for each tenant shall not exceed two (2) square feet for each lineal foot of building frontage occupied by that tenant, with a maximum sign area for that respective tenant of two hundred (200) square feet. No such sign area shall be required to be less than forty (40) square feet.
- d. The following types of building mounted signs shall be permitted:
  - (1) Projecting signs, provided that such signs shall not project nearer than five (5) feet from any property line.
  - (2) Roof signs.
  - (3) Signs attached to the vertical face of a marquee, provided that such signs shall not project below the lower edge of the marquee, nor shall extend above the vertical marquee face.
  - (4) Wall signs.
  - (5) Signs on awnings, provided that such signs shall be limited to the drop leaf and letters shall not exceed eight (8) feet in area.
- e. In addition to building mounted signs, freestanding signs shall be permitted. The area permitted for freestanding signs shall be in addition to that permitted for building mounted signs.
  - (1) Freestanding signs shall not exceed in the aggregate forty (40) square feet, and shall not extend higher than ten (10) feet. One (1) freestanding sign is allowed per parcel.
  - (2) No more than one (1) freestanding sign shall be permitted for a shopping center limited in area to fifty (50) square feet, and shall not extend higher than ten (10) feet. Such sign shall indicate only the name of the shopping center and/or a business use or combination of business uses within the center. No other freestanding signs shall be permitted; except that an individual enterprise with a direct access to a highway defined as a thoroughfare street in the comprehensive plan shall be permitted one (1) freestanding sign, not to exceed forty (40) square feet in area and limited height to ten (10) feet.
- f. All signs shall have a minimum clearance of ten (10) feet above a walkway and fifteen (15) feet above a driveway.
- g. Temporary grand opening signs shall be permitted, provided that such sign or signs shall not be displayed more than ten (10) days. A permit shall be required, but no fee required.

May 25, 2010

- h. Temporary, portable or porta signs advertising special sales shall be permitted, provided that such sign or signs shall not be displayed more than ten (10) days. Use of these type signs shall be limited to one time per calendar year. A permit shall be required but no fee paid.
  - i. Any sign not permanently affixed to the ground or to a building that is designed or constructed in such a manner that it can be moved or relocated without involving structural or support changes shall be deemed to be a porta sign. Porta signs include any sign attached to or displayed on a vehicle that is used for the express purpose of advertising a business establishment, product or service, when the vehicle is parked so as to attract the attention of the motoring or pedestrian traffic.
9. Signs Permitted in the PSC, M-1 and M-2-Districts.

The following signs are permitted in the PSC, M-1 and M-2 districts, unless otherwise noted.

- a. Signs for residential uses shall be regulated by subsection 4 of this Section F.
- b. For permitted commercial or industrial uses, total sign area for building mounted signs on buildings housing only one (1) tenant, shall not exceed in the aggregate two (2) square feet of sign area for each lineal foot of building frontage. No such sign area shall be required to be less than forty (40) square feet, nor shall it be exceed two hundred (200) square feet.
- c. On lots containing buildings housing more than one (1) tenant, sign area for building-mounted signs for each tenant shall not exceed two (2) square feet for each lineal foot of building frontage occupied by that tenant, with a maximum sign area for that respective tenant of two hundred (200) square feet. No such sign area shall be required to be less than forty (40) square feet.
- d. The following types of building mounted signs shall be permitted.
  - (1) Projecting signs, provided that such signs shall not project nearer than five (5) feet from any property line.
  - (2) Roof signs.
  - (3) Signs attached to the vertical face of a marquee, provided that such signs shall not project below the lower edge of the marquee or extend above the vertical marquee face.
  - (4) Wall signs.
  - (5) Signs on awnings, provided that such signs shall be limited to the drop leaf, and letters shall not exceed eight (8) feet in area.
- e. In addition to building mounted signs, freestanding signs shall be permitted. The area permitted for freestanding signs shall be in addition to that permitted for building mounted signs.
  - (1) Freestanding signs shall not exceed in the aggregate fifty (50) square feet, and shall not extend higher than eighteen (18) feet. One (1) freestanding sign is allowed per parcel.
  - (2) No more than one (1) freestanding sign shall be permitted for a shopping center limited in area to fifty (50) square feet, and shall not extend higher than eighteen (18) feet. Such sign shall indicate only the name of the shopping center and/or a business use or combination of business uses within the center. No other freestanding signs shall be permitted; except that an individual enterprise with a direct access to a highway defined as a thoroughfare street in a comprehensive plan shall be permitted one (1) freestanding sign, not to exceed forty (40) square feet in area and limited height to ten (10) feet.
- f. All signs shall have a minimum clearance of ten (10) feet above a walkway and fifteen (15) feet above a driveway.
- g. Temporary grand opening signs shall be permitted, provided that such sign or signs shall not be displayed more than ten (10) days. A permit shall be required, but no fee paid.
- h. Temporary, portable or porta signs advertising special sales shall be permitted, provided that such sign or signs shall not be displayed more than ten (10) days. Use of these type signs shall be limited to one time per calendar year. A permit shall be required but no fee paid.

May 25, 2010

- i. Any sign not permanently affixed to the ground or to a building that is designed or constructed in such a manner that it can be moved or relocated without involving structural or support changes shall be deemed to be a porta sign. Porta signs include any sign attached to or displayed on a vehicle that is used for the express purpose of advertising a business establishment, product or service, when the vehicle is parked so as to attract the attention of the motoring or pedestrian traffic.

#### 10. Freestanding Signs.

All freestanding signs, except home occupation signs, shall be monument-type signs and shall comply with the following standards.

- a. The width of the base of the sign shall be equal to or greater than the width of the sign face.
- b. The height of the base of the sign shall be less than or equal to the height of the sign face.
- c. The total height of the sign, including the base, shall be less than the width of the base.
- d. The installation of shrubs or floral plantings that are not intended to exceed the base of the sign shall be installed at the ground of any monument sign.
- e. Signs shall be sufficiently visible from street right-of-way so that site entrances can be readily identified by both pedestrians and persons in vehicles.

#### 11. Signs Permitted in all Districts.

The following signs shall be permitted in all districts and shall not require a sign permit. The area of any sign shall not be included in computing the aggregate sign areas specified for individual usage.

- a. Temporary signs shall be non-illuminated and limited to the following types.
  - (1) Temporary campaign signs are permitted provided that they do not exceed thirty-two (32) square feet in area and seven (7) feet in height; not be placed on utility poles, traffic control signs or trees or within public rights of way; and are removed thirty (30) days after the election.
  - (2) Street banners advertising a public entertainment or event, if specifically approved by the city council and only for locations designated by the City Council. Any such sign shall be permitted during a period beginning thirty (30) days before the event and ending five (5) days after the event.
  - (3) Store window signs on or within store windows relating to the business conducted within, or to amusement or civic, religious, cultural, education or charitable activities.
  - (4) Signs advertising only the name, date, time and place of any bona fide fair, carnival, festival, bazaar, horse show or similar occasional event, when conducted by a governmental agency or not for profit entity for the benefit of any civic, fraternal, religious, or charitable cause. No such sign shall exceed thirty two (32) square feet. Any such sign shall be permitted during a period beginning thirty (30) days before the event and ending five (5) days after the event.
  - (5) Seasonal displays and decorations not advertising a product, service or entertainment.
- b. Any informational or directional sign or historic marker, erected by a governmental agency, which may include signs displayed by the City to give directions to business districts and commercial facilities for the convenience of the traveling public.
- c. Non-illuminated signs not exceeding one-half (½) square feet in area, warning against hunting, fishing or trespassing on the land on which the same are displayed.
- d. Wall or freestanding signs in a parking lot to identify entrances, exits and divisions of the lot into sections, and to control vehicular and pedestrian traffic in the lot, provided each sign does not exceed two (2) square feet in area.
- e. Institutional signs setting forth the name or any simple announcement for any public, charitable, education or religious institute, located entirely within the premises of that institution, and not exceeding the aggregate twenty five (25) square feet of sign area. Such signs shall be either

May 25, 2010

wall or freestanding signs and, if freestanding, shall have a minimum clearance of ten (10) feet above a walkway and fifteen (15) feet above a driveway or alley.

- f. Names of buildings, dates of erection, monumental citations, commemorative tables, plaques, and similar notices, when carved into stone, concrete or of a similar type construction and made an integral part of the structure.
- g. Signs required to be maintained by law or governmental order.
- h. Signs which are within a ball park or other similar public or private recreational use and which cannot be seen from a public street or adjacent properties.
- i. Flag, emblems or insignia of the United States, the Commonwealth of Virginia, the City of Hopewell, other cities, and counties, states, religious groups, civic organizations and service clubs.
- j. Small signs displayed for the direction of the traveling public, including signs which identify rest rooms, location of public telephones, freight entrances, or similar notices, with a total area not to exceed two (2) square feet per sign. The maximum number of directional signs permitted on a property shall be determined by the Director of Development.
- k. Small signs, each of which has a total area not exceeding two (2) square feet, placed by a public utility, showing the location of underground utilities.
- l. Official notices or advertisements posted or displayed by or under the directions of any public or court officer in the performance of official duties, provided that all such signs shall be removed not later than ten (10) days after the last day of the period for which the same are required to be displayed in order to accomplish their purposes.
- m. Small signs not exceeding two (2) square feet in area, attached flat against a building, non-illuminated, announcing only the name and occupancy of the building tenant.
- n. Any church may have one off-site directional sign that does not exceed four (4) square feet, is not located within the public right-of-way and does not conflict with any traffic-related sign, with approval from the Director of Development.

12. Real Estate and Construction Signs

- a. The following real estate signs do not require a permit and are allowed under the conditions specified herein:
  - (1) Onsite real estate signs that advertise the sale or rental of residential premises shall be maintained in good condition and removed within ten (10) days after the transfer of title or rental of such property and shall not be illuminated.
  - (2) Offsite real estate signs directing the way to premises that are for sale or rent and open to the public for inspection. They shall be erected only while the building is open to the public for inspection and shall be removed when the agent or owner closes the premises for public viewing. There shall be no more than one sign per street intersection directing the way to the premises.
  - (3) Onsite real estate signs advertising an open house are permitted so long as there is no more than one onsite sign. The message shall be restricted to "open house", a directional arrow, and the real estate company or owner's name, logo, phone number and the hours the building is open for inspection
  - (4) Offsite real estate signs directing the way to premises that are for sale or rent. Such signs shall be limited to one sign per intersection per house for sale. The message on the sign must be limited to the realtors association trademark "R", equal housing opportunity logo, "for sale" or "for rent" and an arrow. The signs must be removed ten (10) days after the transfer of title, or the rental of such property.
  - (5) Real estate signs are limited in size to six (6) square feet in area and seven (7) feet in height. Up to two (2) riders may be attached to such signs. If riders are attached, the total sign area



May 25, 2010

is limited to eight (8) square feet. If the property fronts along a major arterial and is designated on the comprehensive plan for nonresidential use, the requirements for such signs in business or industrial districts found in subsections b.(4) and b.(5) below apply.

- b. The following real estate/construction signs require a sign permit and are subject to the conditions specified herein:
  - (1) One (1) onsite real estate sign advertising a residential community, provided that such sign shall be removed when ninety (90) percent of the dwelling units in the residential community are occupied.
  - (2) One (1) construction sign advertising the use to be made of a commercial building or structure and the businesses and firms developing the building or structure. The signs shall be confined to the site of the construction project. Such sign may be installed when actual construction is started and shall be removed within fourteen (14) days upon the issuance of a certificate of occupancy or the beginning of the intended use of the project, whichever is sooner.
  - (3) One (1) construction sign notifying the public that a nonresidential community is coming soon. This sign shall be removed before erection of any other construction sign and in no instance shall be permitted to remain longer than three years.
  - (4) One onsite real estate sign advertising the sale or rent of parcels of land with or without buildings in business or industrial districts, provided that such sign is removed within ten (10) days after the transfer of deed or rental of such property. If the sign is no greater than sixteen (16) square feet a sign permit shall not be required.
  - (5) The signs must not exceed thirty-two (32) square feet in area and a height of seven (7) feet.

13. Signs Prohibited in all Districts.

The following types of signs are prohibited in all districts.

- a. Any sign that violates any provision of any law of the state or federal government relative to outdoor advertising.
- b. Any sign that violates any provision of the Uniform Statewide Building Code.
- c. Any sign that obscures a sign or signal displayed by a public authority for the purpose of giving traffic instructions, directions or other public information.
- d. Any sign which advertises an activity, business, product or service that is not conducted or sold on the premises upon which the sign is located.
- e. Any sign that prominently displays the word "stop" or "danger" or otherwise presents or implies the need or requirement of stopping or caution or the existence of danger, or which is a copy or imitation of or which for any reason is likely to be confused with any sign displayed by a public authority.
- f. Any sign within the triangular area at the street corner of a corner lot described in Section Q, Visual Obstruction, of this Article.
- g. Any sign that obstructs any window, door, fire escape, stairway, ladder, or opening intended to produce light, air, ingress or egress for any building as required by law.
- h. Any sign of which all or any part is in motion by any means, including fluttering, rotating, or other moving signs set in motion by movement of the atmosphere. This shall not apply to the hands of a clock or a weather vane.
- i. Any sign that contains or consists of banners, posters, pennants, ribbons, streamers, strings of light bulbs, spinners or other similarly-moving devices. These devices, when not part of any sign, shall be similarly prohibited unless specifically permitted by this ordinance.

May 25, 2010

- j. Any sign, except official notices and advertisement, which is nailed, tacked, posted, or in any other manner attached to any utility pole or structure for supporting wire, cable, or pipe, or to any tree on any street or sidewalk or to public property of any description.
- k. Any sign attached to a chimney, tower, tank or structure of like kind which extends above the district height limits.
- l. Any sign located above the roof line of a building.
- m. Any sign which encroaches on a public right of way.
- n. The parking of a vehicle to which a sign is attached for display purposes or the use of such a vehicle for a portable sign shall be prohibited.
- o. Signs attached to fences or walls are prohibited unless otherwise specifically allowed by this ordinance.
- p. No new billboard shall be erected after the date of the amendment of this ordinance. All existing billboard signs shall be deemed nonconforming and shall adhere to this Article.
- q. Any signage that contains harassing, lewd, offensive, obscene, threatening, or violent language or images, as determined by the Zoning Administrator, shall be prohibited.
- r. Signage for sexually oriented businesses shall contain no photographs, silhouettes, drawings, graphic images or pictorial representations of any manner, and may contain only:
  - (1) the name of the enterprise; and/or
  - (2) one or more of the following phrases:
    - i. “Adult bookstore;”
    - ii. “Adult entertainment;”
    - iii. “Adult movie theatre;”
    - iv. “Adult novelties;”
    - v. “Gentlemen’s club.”

14. Illumination.

- a. Unless otherwise prohibited by this ordinance, signs may be illuminated using white light, provided such illumination is in accordance with this section.
- b. The light from any illuminated sign shall not cause direct glare into or upon any building or property other than the building or property to which the sign may be related.
- c. No sign shall display flashing or intermittent lights, or other lights of changing degrees of intensity, brightness or color, except a sign indicating time or temperature, with changes alternating on not less than a five (5) second cycle when such time or temperature sign does not constitute a public hazard.
- d. No colored lights shall be used at any location or in any manner so as to be confused with, or constituted as, traffic control devices.
- e. Neither the direct nor reflected light from primary light sources shall create a traffic hazard to operators of motor vehicles on public thoroughfares.
- f. No exposed reflective type bulbs and no strobe or incandescent lamp which exceeds fifteen (15) watts shall be used on the exterior surface of any sign so as to expose the face of the bulb, light or lamp to any public street or adjacent property.
- g. Internal lighting shall be limited to internal lighting contained within translucent letters and/or logos and provided that the background or field, on which the copy and/or logos are placed, is opaque and the area limited is restricted to the sign face only. The direct or reflected illumination shall not exceed five-tenths (0.5) foot candles above the background measured at the lot line of any adjoining property or street right-of-way.

May 25, 2010

- h. External lighting shall be provided by concealed and/or screened spot or flood lights and shall be arranged and installed so that direct or reflected illumination does not exceed five-tenths (0.5) foot candles above background measured at the lot line of any adjoining residential property or street right-of-way.
- i. Lighting directed toward a sign shall be shielded so that it illuminates only the face of the sign and does not shine directly into any public or private right-of-way or residential dwelling.

15. Nonconforming Signs.

- a. Signs that do not conform to the regulations and restrictions prescribed for the zoning district in which they are situated, but that are erected in accordance with all applicable regulations in effect at the time of their erection, may remain erected only so long as the then-existing use which they advertise or identify remains, except as set forth in this subsection, Nonconforming Signs, below.
- b. No nonconforming sign shall be worded so as to advertise or identify any use other than in effect at the time it became a nonconforming sign, except that the wording may be changed to advertise successor businesses conducted on premises; provided, however, that signs designed for and used to display changeable messages may continue to be used for that purpose.
- c. No nonconforming sign shall be moved on the same lot or to another lot unless the moving will relocate the sign into a zoning district or an area in which it will conform.
- d. No nonconforming sign shall be erected, except in conformity with the provisions of this Article. If damaged to an extent greater than sixty (60) percent of its replacement cost, no nonconforming shall be repaired or rebuilt unless it conforms to all applicable requirements of this ordinance.
- e. Any sign that is not in conformity with the provisions of this Article, and which is not or ceases to be a lawful, nonconforming sign, shall be subject to removal under the provisions of subsection 15, Removal of Signs, of this Section F.
- f. If a nonconforming billboard remains blank for a continuous period of ninety (90) days, that billboard shall be deemed abandoned and shall, within thirty (30) days after such abandonment, be altered to comply with this ordinance or be removed by the sign owner, owner of the property where the sign is located, or any other person having control over such sign. For purposes of this section, a sign is "blank" if:
  - (1) it advertised a business, service, commodity, accommodation, attraction, or other enterprise or activity that is no longer operating or being offered or conducted;
  - (2) the advertising message it displays becomes illegible in whole or substantial part as determined by the Director of Development; or
  - (3) the advertising copy paid for by a party other than the sign owner or promoting an interest other than the rental of the sign has been removed.

16. Removal or Abandonment of Signs.

- a. Removal of sign. The Director of Development may order the removal of any sign erected or maintained in violation of this ordinance upon thirty (30) days written notice to the owner of such sign, or the owner of the building, structure or premises on which such sign is located, to remove the sign or to bring such sign into compliance. Upon failure to comply with this notice, the Director of Development or his duly authorized representative may remove the sign at cost to the owner. The Director of Development may remove a sign immediately and without notice if the condition or location of the sign is such that the Director of Development deems the sign to present an immediate threat to the safety of the public.
- b. Abandoned signs. A sign shall be removed by the owner or lessee of the premises upon which the sign is located when the business which it advertises is no longer conducted on such premises within sixty (60) days after the cessation of the business on such premises.

May 25, 2010

This ordinance shall become effective upon the date of its adoption by the City Council. In all other respects said Zoning Ordinance shall remain unchanged and be in full force and effect.

### **PUBLIC HEARING – ISSUANCE OF SCHOOL BONDS \$7.8M**

The City Manager provided an overview. The public hearing was in regard to the issuance of school bonds in the amount of \$7.8M. The requested action was to adopt Ordinance No. 2010-18 on one and only reading, dispensing with the second reading; and resolve to adopt the Resolution authorizing the issuance of School Bonds in the amount of \$7.8M

The public hearing opened at 6:42 p.m. There being no speakers, the public hearing was closed at 6:42 p.m.

A **motion** to adopt the Resolution authorizing the issuance of School Bonds in the amount of \$7.8M was made by Councilor Emerson and seconded by Rev. Harris. Roll call was taken as follows:

Mrs. Bailey	-	yes
Mr. Harris	-	yes
Mr. Emerson	-	yes
Mr. Walton	-	yes
Ms. Pelham	-	yes
Mr. Cuffey	-	yes

### **PUBLIC HEARING – PROPOSED FY 2010/2011 SCHOOL BUDGET**

The public hearing was in regard to the proposed FY 2010/2011 school budget. The requested action was to receive citizen comments.

The public hearing opened at 6:45 p.m.

**Elliott Eliades, 900 Mansion Drive.** Mr. Eliades indicated that he has four children in school system. He asked Council to consider different ways to address education. There are issues in the school system with graduation rates which start when students first enter school. He also asked the School Board to look at how they are spending their funds. He appealed to City Council and the School Board to work together as group and come up with ways to spend money.

There being no other speakers, the public hearing was closed at 6:46 p.m.

### **PUBLIC HEARING – PROPOSED FY 2010/2011 CITY BUDGET**

The City Manager provided an overview of the proposal. The public hearing was in regard to the proposed FY 2010/2011 City budget. The requested action was to receive citizen comments.

The public hearing opened at 6:48 p.m.

**David Schulte, Executive Director of Petersburg Area Regional Tourism Corporation (PART).** Mr. Schulte thanked Council for its regional tourism efforts and asked Council to approve their reallocation. March Altman, who has served on their Board of Directors for the last 4 years, and was recently appointed as Treasurer, was recognized. He provided Council with a handout of their highlights and again thanked the City for past support and looks forward to continued support.

**Stacey Bradshaw, Chair of the South Centre Corridors RC&D Council.** Ms. Bradshaw presented Council with their Accomplishment Report and provided some of their highlights. She asked Council to restore their funding and to appoint a citizen member. Mayor Pelham commended her and Councilor Bailey for their work on this project. Councilor Walton concurred with support for the community as they are very active in the region. Councilor Emerson asked about their total budget, which is \$11,000. They are requesting additional

May 25, 2010

funding from the U. S. Department of Agriculture for office space and a position. Mayor Pelham asked whether they receive funding from Hopewell or not, will services to the City be affected. Ms. Bradshaw indicated they are still able to provide services to our citizens. However, if less money is received, they will be providing less service. They have not requested any increases since their Council was established.

**Bettina Coghill, Director of Riverside Criminal Justice Agency.** Ms. Coghill has been with the agency for 13 years. One of their first accomplishments was the purchase of video equipment as well as the drug court program. The next step is a cross system mapping system. She asked Council to please consider their request for funding.

**Elliott Eliades, 900 Mansion Drive.** Mr. Eliades asked if there is an ongoing study for potential savings for the City by combining some of the school system operations and City operations. Are there places to team up? If so, please inform the public of what is being done. The City Manager said there are a series of projects being looked at as far as consolidation such as with health insurance.

**Gino Cortese, City of Hopewell Public Works Employee.** Mr. Cortese has worked for the City for 10 years. He indicated that health insurance rates keep going up. As a Public Works employee, he feels that he has taken care of the City with no raises in the past two years. As a City worker and family man, he cannot afford to keep going backward and not getting raises. He likes his City and needs help with insurance. Public Works, Police, Fire...all City employees have taken care of the citizens. Now, he is asking Council to take care of City employees. (Applause).

**Tony Sylvester, 109 Crescent Avenue.** Mr. Sylvester spoke in support of Bettina Coghill and Riverside Criminal Justice Agency. He indicated that they are an integral, essential cog in public safety. He provided examples of good works of their program from a legal perspective, as well as from a public safety standpoint. It serves as an umbrella of protection by supporting our police department. Mr. Sylvester commented that Ms. Coghill runs a class act organization. He encouraged Council to give strong consideration to support their funding. They are another agency that protects the public.

**Steve Thomas, 3509 N. Colonial Drive.** Mr. Thomas spoke as a representative of FOLAR, which is a regional group with two members from each locality. They seek to improve enjoyment of the Appomattox River with green way, blue way, and parks. He asked for a \$500 budget item for FOLAR. They now have a gazebo set up on the waterfront with funds donated by various groups. FOLAR has coordinated two clean ups of City Park. They recruited military personnel to assist and also held clean up at the Hopewell Marina. FOLAR agreed to take over repairing the pier at Weston Manor which cost \$5,000. They also received donated materials and outside help. One of the assets of Hopewell is its waterfront. While not in Hopewell, Riverside Regional Park is a park that many Hopewell citizens enjoy. FOLAR wants to extend that area. Mr. Thomas reiterated to Council his plea for \$500 on behalf of FOLAR.

There being no other speakers, the public hearing was closed at 7:15 p.m.

Councilor Emerson inquired about health insurance and asked the City Manager for an update. Per the City Manager, a 60-day extension from the City's current healthcare provider, United Healthcare, was requested. He noted that there are some procurement issues that administration is working on. At this time, there are no adjustments to the budget. Councilor Walton commented on the way the health insurance has been handled and suggested administration bring in representatives from the healthcare providers to talk with employees to provide better information. The City Manager anticipates better resolution within 60 days. Rev. Harris indicated that more information should be provided to City employees. He agreed that the insurance company should speak with employees before the expiration of the 60-day extension. Vice Mayor Cuffey commented, from his personal perspective that employees are looking for some peace of mind. Council looked at this issue last year, and he assumed that rates would level out again this year. Councilor Bailey concurred with Vice Mayor Cuffey.

May 25, 2010

**PUBLIC HEARING – PROPOSED FY 2010/2011 CDBG BUDGET**

The public hearing was in regard to the proposed FY 2010/2011 CDBG budget. The requested action was to receive citizen comments.

Tevya Griffin, City Planner, provided overview of the budget and provided handouts as recommended by the committee. The public hearing opened at 7:22 p.m.

**Mattie Robertson, Foster Grandparent Program in Petersburg.** Ms. Robertson indicated that they are a federally funded program which recruits senior citizens from the community. They are assigned to public schools, group foster homes, and any facility that has young people and those with special needs. They volunteer four days a week, 20 hours per volunteer, for a total of 1044 hours per year. 122 people are registered and serve 52 different agencies in 10 areas. Ms. Robertson has been with the program for 32 years. They volunteer in the City of Hopewell at Harry E. James Elementary School and at the Woodlawn Learning Center. In the past, they were funded by the John Randolph Foundation. However, they were notified by the foundation's executive director that they are no longer being funded. They have never asked for assistance before; however, they are now asking for \$6,000. They have a van assigned to Hopewell and Prince George which comes from Petersburg. Maintenance is expensive. They have been fortunate for 38 years to have this program in this area. They are soliciting funding from other localities as well.

**Ted Chewning, Richmond, Housing Rehabilitation Director for ElderHomes.** Mr. Chewning thanked Council for funding over the last three years. There are approximately 1500 households occupied with senior citizens, and they help 10 households per year by making them safe and secure. They are soliciting volunteers to implement programs that are not totally funded. They are very thankful for past support and hope some of their recommendations will be supported.

**Jane Clayborne, The James House, 1016 Maplewood Avenue, Hopewell.** Ms. Clayborne thanked Council for its funding over the past several years. They have helped citizens with rent and utility payments through CDGB funds. Councilor Walton complimented the program. Ms. Clayborne thanked the City Manager for allowing employees to take part in the Denim Day fundraiser to support The James House.

**Pete Eaves, Neighborhood Network, 303 W. Cawson Street, Hopewell.** This is a volunteer working partnership within the community. They are trying to resolve problems such as rental property, trash and debris, refrigerator on porches. He thanked Council and asked to appropriate funds to help in their efforts.

**Rev. Dunbar, CARES Board of Directors,** thanked Council for providing funds for CARES and made a plea for continued assistance and to remember them when appropriating money.

**Jean Cobbs, Administrator for Virginia Baptist Children's Home, Richmond.** They are applying for a capital improvement grant for a \$400,000 project. The RFP requires that individuals applying have regional support. They have members in churches in the Hopewell area. There is a natural partnership between Hopewell, Petersburg, and Chesterfield. She thanked Council for the opportunity.

There being no other speakers, the public hearing was closed at 7:38 p.m.

Rev. Harris commented that the Virginia Baptist Children's Home is in dire need. Chesterfield is considering putting in \$100,000 in their last discussion. If the City could give \$5,000, it could make this a regional project. Rev. Harris said he missed one meeting and now it has come down to zero dollars. He hoped that members of Council pay attention to all projects that have come before them—especially VBCH. If money is available for VBCH, it would be significant for young people in Hopewell. Rev. Harris asked the City Manager if there are some monies that could be utilized for the \$5,000 allocation. The City Manager deferred to Council to prioritize. When the budget is approved, City Council has the option of amending it as far as CDBG funds. If Rev. Harris wants him to look in general funds, he will have to take monies from somewhere else. Councilor Walton said that the City of Petersburg has this item on its agenda. There is a question of sustainability. It is contingent upon everyone working together. Mayor Pelham suggested sending it back to committee to look at the numbers of Hopewell children served. Vice Mayor Cuffey indicated that this is

May 25, 2010

committee's recommendation which is now in Council's hands. He reminded Council that they were not voting tonight; however, the committee can plug in numbers.

**PUBLIC HEARING – PROPOSED BUDGET AMENDMENT FOR FY 09/10 - \$2.6M – FOR CAPITAL IMPROVEMENTS**

The City Manager provided an overview. Funding was received from the City Attorney's successful negotiations for back taxes from Honeywell in the amount of \$3.2 million, which is one-time money. The proposed uses of these funds are outlined below:

**Honeywell - Proposed Uses**

**Police**

Animal Control Vehicle	15,000
Animal Shelter Renovations	35,000

**Public Works**

Street Resurfacing	200,000
Cabin Creek Drainage	250,000
Atwater Road, Phase I (50% reimbursed by VDOT)	390,000
Dinwiddie Ave, Phase II (50% reimbursed by VDOT)	280,000

**Recreation**

Mathis Field Restrooms/Concessions	260,000
Rec Center Roofing	200,000
City Park Restroom/Lighting	40,000
Heritage Gardens (renovations and restroom)	40,000

**Public Facilities Maintenance**

Courthouse/City Hall Visual Security	80,000
Courtroom Expansion	60,000
Telephone System	100,000
Energy Savings Grant Match	350,000

**Community Promotions**

Downtown Façade Grant Program	200,000
Hunter House seed money	50,000
Sesquicentennial Committee	50,000

**Return to Fund Balance**

600,000  
3,200,000

**Capital  
Fund**

Police Vehicles	150,000
Sheriff's Vehicle	30,000

May 25, 2010

<b>Fire Dept. Vehicle</b>	18,000
<b>Public Works</b>	
Paving	400,000
Equipment	240,000
<b>Parks</b>	10,000
<b>IS/Technology</b>	25,000
	873,000

The public hearing is in regard to the proposed budget amendment for FY 09/10 - \$2.6M for capital improvements. The requested action was to receive citizen comments and adopt Budget Resolution.

The public hearing opened at 7:51 p.m.

**Steve Taylor, Chairman of the Historic Preservation Committee and Co-Chair of 150<sup>th</sup> Sesquicentennial Committee of Hopewell and Shirley Belkowitz, Director of Museums, Historic Hopewell Foundation.** This is the 150<sup>th</sup> sesquicentennial celebration. He has attended numerous sesquicentennial committee meetings over the past several months. They have a great plan for a community celebration. There will be celebrations and commemorate events at the state, regional, and local level. They are working with PART in regional celebration efforts to promote American History from all points of view of the Civil War and a chance to bring tourists to our area with hopes of spending money and learning our history. This is a time to tell the story of all American citizens. He thanked Council for past support and FOLAR for their partnerships.

**Gloria Garris, FEEDMORE.** Ms. Garris works with Meals on Wheels, which is very excited and thanked Council for considering them in its budget. This validates the service they provide and recognizes their agency. As a FEEDMORE committee member, she supports our community. She is a member of Kids Café program and serves on the City's Shelter Management Team. Some of the services provided are diet specific food items, supplements, pet food, holiday angel gifts, and disaster preparedness kits. She thanked Council for placing trust that they are good stewards of resources provided for the community.

There being no other speakers, the public hearing was closed at 7:59 p.m.

Councilor Walton received calls from citizens regarding the bathrooms at our parks. The parks in general need to be brought up to par Citywide. Council may need to look at putting money into general funds for now and consider reworking the budget to put in recreation funds to fix things as needed.

Councilor Emerson asked about the energy savings grant match of \$350,000. The City Manager reviewed his spreadsheet for discussion. Mayor Pelham indicated that the priority is at Mathis Park which services many Hopewell children. This will plant the seed of excellence and hope they return. She commended the Recreation Department and Jo Turek, Director, for their hard work. Johnnie Butler, City Engineer, spoke to the issue of the roof at the Community Center. There are special features with air handling to deal with the humidity from the pool. There are problems with sweating/condensation on the walls. With the current humid and corrosive atmosphere, the insulation in the roof is gone. The outside panels have no insulation value whatsoever. This is creating more problems. It needs a modernized design to avoid problems in future. This problem will get worse over time if not corrected.

The City Manager pointed out that security cameras alert the police of trespassers in the Municipal Building during such time when the building is closed. The main part of the security will be in the Courthouse. Regarding the Courtroom expansion project, Prince George County doubled the size of its courtroom. The Judge wants the same in Hopewell Circuit Court.



May 25, 2010

Animal Control vehicles are replacement vehicles and shelter renovations. There is a regional facility located on Rt. 460. Hopewell needs to renovate its facility to be in compliance.

The City Manager will ask Ben Ruppert, Emergency Services Coordinator, to attend the next council meeting to discuss the energy grant.

Councilor Emerson asked about Atwater Road. Johnnie Butler used a standard template to get the figures: 5' sidewalk on both sides; improved drainage; done survey; started on project about 35% complete; controlling traffic through markings and turn lanes and wider inbound lane through pavement markings. In Anchor Point and Cameron's Landing, there is no need for a divided road. Per the City Manager, if there is any extra money from this project, it will go back into the fund balance to be re-appropriated for something else. Councilor Bailey asked about the Cabin Creek drainage issue and the City has decided on a contract. Johnnie Butler advised that there has been no decision, and that he envisions a high flow drainage channel. Councilor Bailey indicated that as far as investing in our City parks, this will show investment in the City and that of interest groups.

### **WORK SESSION**

A work session was held to discuss the **budget**. Mayor Pelham asked about previous funding for John Tyler Community College. Councilor Emerson asked a question about Onza Hyatt's request last year for John Tyler Community College; he did submit letter. However, it is not for scholarships. It is for the president's office funds to help promote college. Per Mayor Pelham, Council will have two weeks to review the budget before it will be voted on.

The next project is the **employee insurance** per the City Manager and to address Rev. Harris' question about the Virginia Baptist Children's Home. Mayor Pelham also requested consideration for the Central Virginia Film Office. Councilor Walton said it is up for sale.

### **CLOSED SESSION**

Mayor Pelham thanked Debbie Pershing for serving as Acting City Clerk in the absence of Ann Romano who is taking care of family business. The Mayor also recognized and introduced Moniqua' Giles who is interning for the City of Hopewell.

Mayor Pelham waived the rules to convene into Closed Session at 8:41 p.m. to discuss Personnel, in accordance with Virginia Code Section 2.2-3711(A)(1); and/or Legal matters, in accordance with Virginia Code Section 2.2-3711(A)(7); and/or Appointments to Boards and Commissions, in accordance with Virginia Code Section 2.2-3711(A)(1); and/or Acquisition/disposition of Property, in accordance with Virginia Code Section 2.2-3711(A)(3). A motion was made by Rev. Harris and seconded by Vice Mayor Cuffey to convene into Closed Session. Roll call was taken as follows:

Mrs. Bailey	-	yes
Mr. Harris	-	yes
Mr. Emerson	-	yes
Mr. Walton	-	yes
Ms. Pelham	-	yes
Mr. Cuffey	-	yes

### **OPEN SESSION**

At 9:13 p.m. the Mayor immediately reconvened the meeting. The following question was asked by the City Clerk: "Were the only matters discussed in the Closed Meeting public business matters lawfully exempted from open meeting requirements; and public business matters identified in the motion to convene the Closed Meeting?" Roll call was taken as follows:

May 25, 2010

Mrs. Bailey	-	yes
Mr. Harris	-	yes
Mr. Emerson	-	yes
Mr. Walton	-	yes
Ms. Pelham	-	yes
Mr. Cuffey	-	yes

**ADJOURN**

At 9:14 p.m. **motion** was made by Councilor Walton, and seconded by Councilor Bailey, to adjourn the meeting. Upon the roll call, the vote resulted:

Mrs. Bailey	-	yes
Mr. Harris	-	yes
Mr. Emerson	-	yes
Mr. Walton	-	yes
Ms. Pelham	-	yes
Mr. Cuffey	-	yes

---

Brenda S. Pelham, Mayor

---

Debra W. Pershing, Acting City Clerk